

Maertens et al.  
Appl. No. 09/899,303  
October 27, 2004

### **REMARKS**

Reconsideration is requested.

The claims have been amended with the presumption that the Amendment of August 30, 2004, has been entered.

The claims have been further amended above in response to a teleconference with the Examiner on October 5, 2004.

In a further teleconference with the Examiner on October 26, 2004, the undersigned explained to the Examiner that claim 76, and claims dependent therefrom, were not anticipated by Watanabe (U.S. Patent No. 5,610,009) because an analysis of all currently available E1 sequences indicated that the deleted amino acid region of 260-296 does not contain a glycosylation site, as defined for example in the present specification in the passage spanning page 58, line 32 to page 59, line 5. The Examiner is believed to have advised the undersigned that a Declaration presenting this evidence would be considered. Attached is such a Declaration wherein the alignment is provided of known E1 sequences. The alignment highlights Asn (N) residues shaded in black as well as N-glycosylation sites (i.e., NX(S/T), wherein X is not Pro (P)) shaded in black. The reference sequence repeated on top of each page of the alignment is the HCV-1 sequence of Chiron. Other sequences are defined at the left of each sequence by GenBank Accession number. The region of amino acids 260-296 has been indicated on each end by vertical lines running the width of the landscape printed pages of the alignment. The applicants submit that the attached demonstrates that the region of HCV indicated by the Examiner as having been deleted in the cited patent does not

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contain a glycosylation site, as defined by those of ordinary skill in the art and in the present specification. Claim 76, and all of the pending claims, are submitted to be patentable over the cited art.

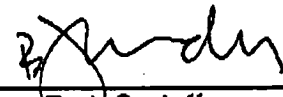
Entry of the present Amendment and a Notice of Allowance are requested.

The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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